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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,941	11/15/2001	Gregory L. Trauth	PIP-81-TRAUU-US	5918
31518	7590	11/02/2005	EXAMINER	
NEIFELD IP LAW, PC 4813-B EISENHOWER AVENUE ALEXANDRIA, VA 22304			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/998,941	TRAUTH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Susanna M. Diaz	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

1. This non-final Office action is responsive to Applicant's Appeal Brief filed July 27, 2005. Applicant's arguments are deemed to be persuasive; therefore, prosecution is hereby reopened.

Claims 1-33 are presented for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 7, 17, 18, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayer et al. (US 2002/0103693).

Bayer discloses an electronic network implemented method for notifying personnel of customer feedback messages, comprising:

[Claim 1] receiving from a customer a customer feedback message in an electronic format (¶ 78 – Customers may submit feedback using Web-based forms, Interactive Voice Response units, etc.);

automatically storing said feedback message from said customer in a database in response to receipt of said customer feedback message in said

electronic format (Fig. 2, #600; ¶¶ 57-62 – Feedback is stored in a feedback database); and

automatically creating and transmitting an electronic notification message to a first employee of an employer, said electronic notification message providing an indication that a feedback message exists, said automatically creating and transmitting occurring in response to at least one of said receiving and said automatically storing (¶¶ 69-73 – Feedback is analyzed and forwarded to an appropriate service provider representative (which is an example of a first employee of an employer), in light of the nature, severity, and/or frequency of the given type of feedback. ¶ 76 discloses that reports of aggregated feedback may be forwarded to a representative of the service provider, e.g., to a travel manager, which is another example of a first employee of an employer);

[Claim 2] wherein said transmitting comprises transmitting said electronic notification message via e-mail (¶ 73 – Feedback may be forwarded to the service provider via an electronic mail message);

[Claim 3] wherein said receiving includes receiving a customer satisfaction rating (¶ 71 – The severity, frequency, and/or nature of a customer's comment or complaint is assessed. This type of feedback is indicative of a customer satisfaction rating);

[Claim 4] wherein said electronic notification message includes said customer satisfaction rating (¶ 73 – The service provider is notified regarding "a particular complaint, comment, or group of complaints or comments," which are reflective of a customer satisfaction rating);

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[Claim 7] wherein said customer feedback message in said electronic format comprises an audio file including a spoken message provided by said customer (¶ 78 – A customer may submit feedback that is recorded using a telephone Interactive Voice Response Unit).

[Claims 17-18] Claims 17-18 recite limitations already addressed by the rejection of claims 1-4 and 7 above; therefore, the same rejection applies.

[Claim 33] Claim 33 recites limitations already addressed by the rejection of claims 1-4 and 7 above; therefore, the same rejection applies.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 5, 6, 8-16, 19-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayer et al. (US 2002/0103693), as applied to claims 3 and 17 above.

[Claims 5, 6] As per claims 5 and 6, ¶¶ 69-73 of Bayer teach that feedback is analyzed and forwarded to an appropriate service provider representative (which is an example of an employee of an employer), in light of the nature, severity, and/or frequency of the given type of feedback. ¶ 76 also discloses that reports

of aggregated feedback may be forwarded to a representative of the service provider, e.g., to a travel manager, which is another example of an employee of an employer.

Regarding claim 5, Bayer addresses the following limitations:

[Claims 5, 6] determining whether said customer satisfaction rating is below [Claim 5] or above [Claim 6] a threshold value (¶¶ 71, 75 – A certain customer feedback severity or frequency of complaints can trigger a feedback notification to the service provider. In other words, the service provider only receives an immediate notification if customer satisfaction is determined to be outside of an established threshold. The assessment is made in relation to the threshold; therefore, depending on from which vantage point the threshold is assessed, being within an established threshold may be viewed as being above or below the threshold value. Similarly, being outside of the established threshold may be viewed as being below or above the threshold value, respectively); and

transmitting a second electronic notification message to a second employee of said employer if said customer satisfaction rating is below [Claim 5] or above [Claim 6] said threshold value, said second electronic notification message providing an indication that a feedback message exists (¶¶ 71, 75 – A certain customer feedback severity or frequency of complaints can trigger a feedback notification to the service provider. In other words, the service provider only receives an immediate notification if customer satisfaction is determined to be outside of an established threshold. The assessment is made in relation to the threshold; therefore, depending on from which vantage point the threshold is

assessed, being within an established threshold may be viewed as being above or below the threshold value. Similarly, being outside of the established threshold may be viewed as being below or above the threshold value, respectively).

What Bayer fails to expressly teach is that the second notification message (in both claims 5 and 6) is transmitted to a second employee. However, ¶ 76 of Bayer discloses that reports of aggregated feedback may be forwarded to a representative of the service provider, e.g., to a travel manager, which may be interpreted as the first employee. Furthermore, ¶¶ 69-73 of Bayer teach that feedback is analyzed and forwarded to an appropriate service provider representative (which may also be interpreted as an employee of an employer), in light of the nature, severity, and/or frequency of the given type of feedback. What is missing from Bayer is an express teaching that these two employees are different employees working for the same employer, yet Bayer describes the recipient of the aggregated feedback reports as potentially being a travel manager while an “agent” of a service provider (e.g., a travel agency) may receive notification that direct contact with a customer is required (¶ 71). Clearly, different skills or company interests are required to deal with each type of notification. For example, the Examiner submits that it is old and well-known in the art of service operations for a manager of a company to review aggregated feedback reports while lower-level customer service agents commonly attend to the direct customer service needs (e.g., addressing complaints) of the company’s customers. This arrangement allows each employee to focus on his/her principle

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role(s) within the organization. Similarly, Bayer forwards various types of notifications to representatives of a travel service; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to ensure that Bayer's aggregated feedback reports are sent to managers while the notifications requesting direct customer service contact with customers are sent to separate customer service agents (within the same company) in order to allow each employee to focus on his/her respective role(s) within the organization.

Bayer discloses an electronic network implemented method for notifying personnel of customer feedback messages, comprising:

[Claim 8] receiving a spoken customer feedback message from a customer (¶ 78 – A customer may submit feedback that is recorded using a telephone Interactive Voice Response Unit);

creating an audio file containing a recording of said spoken customer feedback message (¶ 78 – A customer may submit feedback that is recorded using a telephone Interactive Voice Response Unit);

storing said audio file in a database (Fig. 2, #600; ¶¶ 57-62 – Feedback is stored in a feedback database; ¶ 78 – A customer may submit feedback that is recorded using a telephone Interactive Voice Response Unit).

generating an electronic notification message, said electronic notification message indicating that a certain feedback message has been received (¶¶ 69-73 – Feedback is analyzed and forwarded to an appropriate service provider

representative, in light of the nature, severity, and/or frequency of the given type of feedback);

transmitting said electronic notification message to an employee of an employer (¶¶ 69-73 – Feedback is analyzed and forwarded to an appropriate service provider representative, in light of the nature, severity, and/or frequency of the given type of feedback);

[Claim 9] wherein said transmitting comprises transmitting said electronic notification message via e-mail (¶ 73 – Feedback may be forwarded to the service provider via an electronic mail message);

[Claim 10] assigning a response ID to said customer feedback message (¶ 57 – Feedback is stored with a feedback identifier).

Regarding claims 8 and 32, Fig. 2, #600; ¶¶ 57-62 of Bayer disclose that feedback is stored in a feedback database. A customer may submit feedback that is recorded using a telephone Interactive Voice Response Unit (¶ 78). As per ¶¶ 69-73, feedback is analyzed and forwarded to an appropriate service provider representative, in light of the nature, severity, and/or frequency of the given type of feedback. Bayer does not expressly disclose in which format a service provider may access this information beyond stating, "Custom comments or complaints may be input via a telephone keypad or by recording a voice message which can be translated using voice recognition software." (¶ 78) In other words, Bayer does not expressly teach the step of accessing said database and playing said audio file containing a recording of said spoken feedback

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message stored in said database to said employee, upon receiving a command from said employee. However, Official Notice is taken that it is old and well-known in the art to transmit and access audio messages directly through an audio file (e.g., transmitted via e-mail or accessed from a database). This allows a person to easily access a message in its original audio format (e.g. as opposed to having to read a transcript of the message, thereby losing the effects of voice intonations, etc.). Since Bayer's invention helps to facilitate an assessment of customer feedback to identify any problems that need to be addressed by a service provider and Bayer already discloses the collection of feedback in an audio format, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Bayer to incorporate the step of accessing said database and playing said audio file containing a recording of said spoken feedback message stored in said database to said employee, upon receiving a command from said employee (e.g., transmitted via e-mail or accessed from a database) in order to allow a service provider to easily access a message in its original audio format, thereby facilitating analysis of a customer's emotional state based on voice intonations, etc.

As per claim 11, Bayer teaches the step of assigning a response ID to said customer feedback message (¶ 57 – Feedback is stored with a feedback identifier); however, Bayer does not expressly teach that the command from said employee comprises said response ID. Official Notice is taken that it is old and well-known in the art of searching database records to access a specific record

using an assigned record ID. This facilitates quicker retrieval of the desired record. Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Bayer's employee to access an audio feedback file using the feedback identifier, or response ID, in order to facilitate quicker retrieval of the desired record.

Claims 12-14 recite limitations already addressed by the rejection of claims 5 and 6 above; therefore, the same rejection applies. Furthermore, Bayer teaches that the second notification message (e.g., the notifications requesting direct customer service contact with customers) may be sent via e-mail (¶ 73).

[Claims 15-16]      Claims 15-16 recite limitations already addressed by the rejection of claims 1-14 and 32 above; therefore, the same rejection applies.

[Claim 19]      Claim 19 recites limitations already addressed by the rejection of claims 1-14 and 32 above; therefore, the same rejection applies.

[Claims 20-21]      Claims 20-21 recite limitations already addressed by the rejection of claims 1-14 and 32 above; therefore, the same rejection applies.

[Claims 22-27]      Claims 22-27 recite limitations already addressed by the rejection of claims 1-14 and 32 above; therefore, the same rejection applies.

Furthermore, regarding claims 22 and 27, Bayer does not expressly teach that an employee may use a web server to retrieve and view the customer feedback message on a browser, including a link of the web page to enable playback of an audio file. However, Bayer does state that "feedback received

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from travelers may be ‘posted’ on a Web-site for viewing and further comment by other travelers” (¶ 79). In other words, Bayer’s invention clearly lays forth the groundwork, including the apparatus and functionality, for permitting an employee (as opposed to a customer) to view the feedback on a web browser; therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to adapt Bayer to allow a service provider’s employees to use a web server to retrieve and view the customer feedback message on a browser in order to facilitate global access to the feedback, which is a well-known advantage that arises from posting data on the Internet. Furthermore, Official Notice is taken that it is old and well-known in the art of information distribution to make audio files available on the Internet using a link to a web page. This also facilitates global access to audio files. Therefore, the Examiner further submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to allow a service provider’s employees to use a web server to retrieve and view the customer feedback message on a browser, including a link of the web page to enable playback of an audio file, in order to facilitate global access to audio feedback.

[Claims 28-31]      Claims 28-31 recite limitations already addressed by the rejection of claims 1-14, 22-27, and 32 above; therefore, the same rejection applies.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Susanna Diaz*  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

October 29, 2005